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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-12-70863 MAG
)	
Plaintiff,)	AMENDED STIPULATED REQUEST TO
)	CONTINUE HEARING DATE TO
v.)	NOVEMBER 16, 2012 AND TO
)	EXCLUDE TIME UNDER THE SPEEDY
)	TRIAL ACT
FAZIL AHMAD KAYUMY,)	
)	Hearing Date: October 17, 2012
Defendant.)	Time: 9:30 a.m.
)	
)	

The above-captioned matter is set on October 17, 2012 before this Court for a status hearing. The parties request that this Court continue the hearing to November 16, 2012 at 9:30 a.m. and that the Court exclude time under the Speedy Trial Act between October 17, 2012 and November 16, 2012.

The misdemeanor charges in this case are out of the Middle District of Georgia. The parties are exploring the possibility of reaching a plea agreement to be entered in this District pursuant to Rule 20. The government is seeking to obtain any discovery from the Middle District of Georgia so that it can be turned over to defense counsel. Defense counsel needs additional time to review that discovery and discuss it with the defendant, and perform necessary legal research and investigation. The parties agree the ends of justice served by granting the

1 continuance outweigh the best interests of the public and defendant in a speedy trial. Therefore,
2 the parties further stipulate and request that the Court exclude time between October 17, 2012
3 and November 16, 2012 under the Speedy Trial Act for effective preparation of counsel pursuant
4 to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

5
6 DATED: October 12, 2012

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8 /s/ Andrew Huang
9 ANDREW HUANG
10 Assistant United States Attorney
Counsel for United States

/s/ Ned Smock
NED SMOCK
Assistant Federal Public Defender
Counsel for Fazil Kayumy

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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6 UNITED STATES OF AMERICA,) No. CR-12-70863 MAG
7)
8 Plaintiff,) ~~PROPOSED~~ ORDER GRANTING
9 v.) STIPULATED REQUEST TO CONTINUE
10 FAZIL AHMAD KAYUMY,) HEARING DATE TO NOVEMBER 16,
11 Defendant.) 2012 AND TO EXCLUDE TIME UNDER
12) THE SPEEDY TRIAL ACT
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14 The parties jointly requested that the hearing in this matter be continued from October 17,
15 2012 to November 16, 2012, and that time be excluded under the Speedy Trial Act between
16 October 17, 2012 and November 16, 2012 to allow for the effective preparation of counsel,
17 taking into account the exercise of due diligence, and continuity of defense counsel. The parties
18 are exploring the possibility of reaching a plea agreement to be entered in this District pursuant to
19 Rule 20. The government is seeking to obtain any discovery from the Middle District of Georgia
20 so that it can be turned over to defense counsel. Defense counsel needs additional time to review
21 that discovery and discuss it with the defendant, and perform necessary legal research and
22 investigation. The parties agree the ends of justice served by granting the continuance outweigh
23 the best interests of the public and defendant in a speedy trial. For these stated reasons, the
24 Court finds that the ends of justice served by granting the continuance outweigh the best interests
25 of the public and defendant in a speedy trial. Good cause appearing therefor, and pursuant to 18
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1 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

2 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
3 October 17, 2012 to November 16, 2012 at 9:30 a.m., and that time between October 17, 2012
4 and November 16, 2012 is excluded under the Speedy Trial Act to allow for the effective
5 preparation of counsel, taking into account the exercise of due diligence.

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7 DATED: 10/16/12


8 HON. KANDIS WESTMORE
United States Magistrate Judge